

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UVALDO VELASQUEZ,

Petitioner,

vs.

MC 03-0010 JP

STATE OF NEW MEXICO,

Respondent.

MEMORANDUM OPINION AND ORDER

On April 11, 2003, the *pro se* Petitioner initiated this lawsuit by filing Petitioner's Sworn Testimony in Open Court of Treason Active Within the Bounds of the State and District of New Mexico (Doc. No. 1). The Court construes this document as a complaint. A complaint must contain, among other things, "a demand for judgment for the relief the pleader seeks." Fed. R. Civ. P. 8(a)(3). "This requirement is not arduous--'any concise statement identifying the remedies and the parties against whom relief is sought will be sufficient.'" *Goldsmith v. City of Atmore*, 996 F.2d 1155, 1161 (11th Cir. 1993)(quoting 5 Charles A. Wright & Arthur R. Miller, *Federal Practice and Procedure* §1255 at 366 (2d ed. 1990)). Construing the Petitioner's *pro se* complaint liberally as required by *Haines v. Kerner*, 404 U.S. 519, 520 (1972), the Court finds that the Petitioner has not satisfied Rule 8(a)(3). Consequently, the Petitioner has failed to state a claim upon which relief can be granted. *See* Fed. R. Civ. P. 12(b)(6). The Court will, therefore, dismiss the complaint without prejudice. *See Phillips v. Public Service Co. of New Mexico*, ___ Fed. Appx. ___, 2003 WL 191461 *1-*2 (10th Cir.)(district court can *sua sponte* dismiss a complaint without prejudice under Rule 12(b)(6)); *Double v. United States*, 1998 WL 327747 *2 (10th Cir.)(“The decision to dismiss an action without prejudice for failure to comply with Rule 8

is within the sound discretion of the district court.”).

IT IS ORDERED that Petitioner’s Sworn Testimony in Open Court of Treason Active Within the Bounds of the State and District of New Mexico (Doc. No. 1) will be dismissed without prejudice.



CHIEF UNITED STATES DISTRICT JUDGE